UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

JAMES JILEK, on behalf of himself)
and all others similarly situated,)
Plaintiff,)
v.) Case No. 3:23-cv-00818-RJC DCK
COMPASS GROUP USA, INC., d/b/a CANTEEN,)))
Defendant.)))

PLAINTIFF'S MOTION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO MOTION TO STRIKE

Plaintiff requests leave to file a surreply in opposition Compass' Motion to Strike ("Motion") (Doc. #297), which is warranted to acknowledge errors in Plaintiff's Response to the Motion to Strike and supporting declaration ("Response") (Doc. # 303, 303-1) regarding when Compass disclosed the existence of photographs of the vending machines, as well as to refute Compass' argument that it had put Plaintiff on notice that its machine survey had errors before it served Martha Morgan's Declaration on June 27, 2023, which is not true. Plaintiff also addresses the reason why Plaintiff's misstatements regarding photographs do not warrant granting the Motion. Accordingly, for the reasons set forth in Plaintiff's brief in support of this Motion, which states with particularity the grounds for the Motion and the relief sought in accordance with Local Rule 7.1(a), Plaintiff respectfully requests that he be allowed to file a Surreply in Opposition to Motion to Strike.¹

¹ Pursuant to Local Rule 7.1(b), counsel for Plaintiff attempted to confer with counsel for Compass by e-mail on June 27, 2024 regarding the relief sought through this Motion. On June 28, 2024, Compass' counsel advised Plaintiff's counsel that Compass opposes the motion.

Dated: June 28, 2024 Respectfully submitted,

GOLDENBERG HELLER & ANTOGNOLI, P.C.

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2024, the foregoing was served upon all counsel of record via electronic mail.

/s/ Richard S. Cornfeld